

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LESLIE HOOD, III,

No. C 08-2277 MHP (pr)

Petitioner,

**ORDER OF DISMISSAL**

v.

CALIFORNIA DEPT.  
OF CORRECTIONS; et al.,

Respondents.

Leslie Hood, III, has filed a pro se petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, in which he challenges the revocation of his parole. His petition and amended petition are now before the court for review pursuant to 28 U.S.C. §2243 and Rule 4 of the Rules Governing Section 2254 Cases. His in forma pauperis application also is before the court for consideration.

Prisoners in state custody who wish to challenge either the fact or length of their confinement in federal court by a petition for writ of habeas corpus are first required to exhaust state judicial remedies, either on direct appeal or through collateral proceedings, by presenting the highest state court available with a fair opportunity to rule on the merits of each and every issue they seek to raise in federal court. 28 U.S.C. § 2254(b),(c); Granberry v. Greer, 481 U.S. 129, 133-34 (1987). Hood has not done so; nor has he presented any exceptional circumstances to excuse his doing so. See id.

1 Hood's petition shows that he has not filed a petition for review or a petition for writ  
2 of habeas corpus in the California Supreme Court. The California Supreme Court has not  
3 been given a fair opportunity to rule on the merits of his claims concerning his parole  
4 revocation. Hood must file a state habeas petition (or a petition for review, if it is not too  
5 late) and give the California Supreme Court a fair opportunity to rule on the merits of all his  
6 claims before presenting his claims in a federal habeas petition.

7 For the foregoing reasons, this action is DISMISSED without prejudice to Hood filing  
8 a new habeas action after available state judicial remedies are exhausted.

9 The in forma pauperis application is GRANTED. (Docket # 5.)

10 The clerk shall close the file.

11 IT IS SO ORDERED.

12 DATED: September 24, 2008

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Marilyn Hall Patel  
United States District Judge